

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

RAPHAEL SCOTT and)
DANNISE SCOTT,)
Plaintiffs,)
v.) No. 2:17-cv-02693-SHM-cgc
ALLSTATE VEHICLE AND PROPERTY)
INSURANCE COMPANY,)
Defendant.)
)

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation, dated September 6, 2018 (the "Report"). (ECF No. 41.) The Report recommends that the Court dismiss with prejudice Plaintiffs Raphael Scott and Dannise Scott's action against Defendant Allstate Vehicle and Property Insurance Company for failure to prosecute in accordance with Rules 37 and 41 of the Federal Rules of Civil Procedure. (Id. at 1.) Although the Report advised the parties that any objections must be filed within 14 days of service, no objections have been filed.

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district-court duties to magistrate judges. See United States v. Curtis, 237 F.3d 598, 602 (6th Cir. 2001) (citing Gomez v. United States,

490 U.S. 858, 869-70 (1989)); see also Baker v. Peterson, 67 F. App'x 308, 310 (6th Cir. 2003). A district court has the authority to "designate a magistrate judge to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court, of any motion." 28 U.S.C. § 636(b)(1)(B).

The district court has appellate jurisdiction over any decisions the magistrate judge issues pursuant to a referral. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72. "A district judge must determine *de novo* any part of a Magistrate Judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). The district court is not required to review -- under a *de novo* or any other standard -- "any issue that is not the subject of an objection." Thomas v. Arn, 474 U.S. 140, 150 (1985). The district court should adopt the findings and rulings of the Magistrate Judge to which no specific objection is filed. Id.; United States v. Walters, 638 F.2d 947, 950 (6th Cir. 1981.).

Neither party has objected to the Report, and the deadline to do so under Local Rule 72.1 has passed. See also 28 U.S.C. § 636(b)(1)(C). The Court has reviewed the Report and found that its recommendation is warranted. See Arn, 474 U.S. at 150-51.

The Report is ADOPTED, and this action is DISMISSED, with prejudice, for failure to prosecute.

So ordered this 24th day of September, 2018.

/s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT COURT JUDGE